

# **Exhibit A**

**Public Redacted**

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*Attorneys for Non-Party Dario Amodei*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE OPENAI CHATGPT LITIGATION

Case No. 3:23-cv-03223-AMO

IN RE MOTION TO COMPEL COMPLIANCE  
WITH NON-PARTY SUBPOENAS

**NON-PARTY DARIO AMODEI'S  
[PROPOSED] SUR-REPLY IN  
FURTHER OPPOSITION TO  
MOTION TO COMPEL**

In the matter of

AUTHORS GUILD, *et al.*, individually and on  
behalf of others similarly situated,

Misc. Case No. 3:25-mc-80017-AMO

Plaintiffs,

Underlying Litigation: *Authors Guild, et al.*  
*v. OpenAI, et al.*, 1:23-cv-0822-SHS  
(S.D.N.Y)

v.

OPENAI INC., *et al.*,

Defendants.

1 Before the Court are two motions to compel the deposition of Mr. Dario Amodei, the CEO  
2 of non-party Anthropic PBC. As noted in Mr. Amodei's opposition, the Plaintiffs have several  
3 sources of information available to them that are superior and far less burdensome than forcing Mr.  
4 Amodei to sit for deposition.

5 This evening, Plaintiffs concluded their deposition of Benjamin Mann, which covered the  
6 same topics for which Plaintiffs have asked the Court to compel a deposition of Mr. Amodei.<sup>1</sup>

7 1. [REDACTED]  
8 [REDACTED]  
9 (Mann Tr., Ex. 1 at 60:9-18, 61:22-62:17, 97:14-  
10 100:21.) This is in stark contrast to Plaintiffs' (inaccurate and irresponsible) speculation

11 [REDACTED]  
12 [REDACTED]  
13 2. [REDACTED]  
14 (Mann Tr., Ex. 1 at 185:20-186:5.)

15 3. [REDACTED]  
16 [REDACTED]  
17 (Mann Tr., Ex. 1 at  
18 367:14-18) and Plaintiffs had no factual basis to suggest Mr. Mann had any personal  
19 knowledge of the facts after he left OpenAI. The same is true for Mr. Amodei, who also  
20 left OpenAI in late 2020.

21 4. [REDACTED]  
22 [REDACTED]  
23 (Mann Tr., Ex. 1 at 35:8-36:7.)

24 Nothing in Mr. Mann's testimony suggested that Mr. Amodei was downloading or processing the  
25 datasets at issue or that Mr. Amodei's recollection would be superior in that regard.

26  
27 <sup>1</sup> Excerpts from Mr. Mann's rough deposition transcript are attached as Exhibit 1 to the  
28 Declaration of Assad H. Rajani in Support of Non-Party Dario Amodei's [Proposed] Sur-Reply  
In Further Opposition to Motion to Compel, which are filed concurrently.

1 In their Reply, Plaintiffs confirmed that they were “aggressively seeking discovery” and that  
2 “Plaintiffs intend to depose *all the former employees*” identified. (*In re Open AI* Reply at 6). This  
3 dragnet approach should not be condoned, especially when it comes to the CEO of a company who  
4 Plaintiffs failed to show has unique knowledge of the topics in dispute. In light of Mr. Mann’s  
5 voluminous testimony, compelling a deposition of Mr. Amodei would have little value in this case,  
6 would impose maximum burden on Mr. Amodei, and would be unreasonably cumulative and  
7 duplicative of what Plaintiffs have already obtained in discovery. Nor would another burdensome  
8 deposition of an Apex officer (of a direct competitor to OpenAI) be proportional to the needs of the  
9 case.

10 In view of these subsequent factual developments, the Court should deny the Motions in  
11 their entirety.

12  
13 Dated: March 3, 2025

By: /s/ Assad H Rajani  
ASSAD H. RAJANI  
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